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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of)	
)	
Applicants: James D. Logan et al.)	
)	Examiner
Serial No. 10/769,383)	Unassigned
)	
Filed: January 31, 2004)	Art Unit 2611
)	
Title: Methods and apparatus for recording and)	
replaying time-shifted broadcast programming)	
using visually displayed options)	

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

PETITION TO FILE APPLICATION
ON BEHALF OF INVENTOR AND NON-SIGNING JOINT INVENTOR

The applicants in this application are the following named co-inventors, all of whom have executed the accompanying declaration with the exception of Brian D. Doe.

James D. Logan, 23 Currier Road, Candia, NH 03034
Dana Burd, 17 Harvard Street, Apt. 3, Charlestown, MA 02129
Scott A. Durgin, 143 Duncan Drive, North Andover, MA 01845
Brian D. Doe, 47 West Shore Road, Windham, NH 03087
Vincent E. Colella, 6 Marcia Road, Wilmington, MA 01887
MacFarland Hale, 830 Wellman Avenue, North Chelmsford, MA 01863
Paul M. Mansfield, 12 Dennis Drive, Burlington, MA 01803
Gregory J. Read, 54 Hanover Street, Newbury, MA 01951
Jeffrey M. Santos, 2 Garden Street, 1st Floor, Newburyport, MA 01950
Michael G. Palone, 12 Settlement Way, Acton, MA 01720
Stephen Boone, 15 Grandview Road, Windham, NH. 03087

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Pursuant to 37 C.F.R. §1.47, the applicants hereby petition the Commissioner to file the above identified application on their behalf and on behalf of Brian D. Doe, a joint inventor, who has refused to sign the declaration that accompanies this petition. .

The last known mailing address for Brian Doe is:

Brian D Doe
47 W Shore Road
Windham, NH 03087-2115

Applicant's undersigned attorney hereby certifies that the following facts are true:

On July 27, 2004 and again on August 17, 2004, was sent a letter to the above enclosing a copy of the declaration form which he was asked to sign and return.

On September 13, 2004, I spoke with Mr. Doe by telephone and he indicated then that he would sign and return the signed declaration form.

On October 19, 2004, I again sent a copy of the declaration form to Mr. Doe and asked to sign and return the declaration to me. A copy of that letter is attached as Exhibit A. On October 23, the U.S. Postal Service provided written confirmation that the letter to Mr. Doe had been received. That confirmation is attached as Exhibit B/

On October 20, 2004, Mr. Doe telephoned me and told me he had received the declaration and would sign it and return it to me. No signed declaration was ever received.

On December 8, 2004, I again sent a copy of the declaration form by Express Mail to Mr. Doe. A copy of this final letter is attached as Exhibit C. No response to that letter was received.

Repeated attempts to reach Mr. Doe by telephone have failed.

None of these attempts to obtain Mr. Doe's signature on the declaration has been successful. He has never communicated a refusal to me to sign the declaration, nor has he responded in any other way, other than to indicate that he would sign the declaration as noted above. The effort to obtain the needed signature will continue and, when it is obtained, a declaration signed by Mr. Doe will be submitted pursuant to 37 C.F.R. §1.47 so that Mr. Doe may join in this application.

This petition is accompanied by the fee of \$200.00 as provided in 37 C.F.R. §1.17(h).

Respectfully submitted,



Charles G. Call, Reg. 20,406

Dated: December 15, 2004

Charles G. Call

Patent Attorney

68 Horse Pond Road, West Yarmouth, MA 02673-2516

Phone: 508-778-2630 Fax: 508-629-6540 Email: call@patentsoft.com

October 18, 2004

Brian D Doe
47 W Shore Road
Windham, NH 03087-2115

Dear Brian:

Please sign and return the attached declaration and assignment forms that are needed in connection with the U.S. Patent application Serial No. 10/769,2004 filed on January 31, 2004.

I've also attached a copy of the patent application as filed. As you will note, it identifies eleven members of the team responsible for developing the Gotuit TV system described in the patent. I have obtained signatures from all of the other named inventors, and only need yours. The forms as signed by the others are also included in the enclosed folder for your review.

A copy of the declaration and assignment forms which you need to sign have been marked with red flags. You need not have the assignment notarized - just sign and date it where indicated. Only the two pages containing your signature need be returned, and I've enclosed a stamped envelope addressed to me which you can use to return the forms by mail.

Feel free to contact me if you have any questions or concerns.

Sincerely,

Charles G. Call

enclosures:
CGC:pc

EXHIBIT
A



Date: 10/23/2004

CHARLES G. CALL:

The following is in response to your 10/19/2004 request for delivery information on your Express Mail item number ED13 9733 438U S. The delivery record shows that this item was delivered on 10/20/2004 at 04:06 PM in WINDHAM, NH 03087 to B D. The scanned image of the recipient information is provided below.

Signature of Recipient:

Delivery Section
A handwritten signature, appearing to be "B.D.", written in dark ink on a set of three horizontal lines.

Address of Recipient:

A handwritten address, "47 W. Shore Rd", written in dark ink on a set of three horizontal lines.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

EXHIBIT
B

Charles G. Call

Patent Attorney

68 Horse Pond Road, West Yarmouth, MA 02673-2516

Phone: 508-778-2630 Fax: 508-629-6540 Email: call@patentsoft.com

December 8, 2004
via Express Mail

Brian D Doe
47 W Shore Road
Windham, NH 03087-2115

Dear Brian:

I have not yet received the signed papers needed for in connection with the patent application filed in January for the Gotuit TV interface. A copy of this application and the attached forms was supplied to you in October, but has not yet been received.

I've again attached a copy of the declaration and assignment forms which you need to sign in the position marked by the red flags. You need not have the assignment notarized - just sign and date that form where indicated. Only the two pages containing your signature need be returned, and I've enclosed a stamped envelope addressed to me which you can use to return the forms by mail.

I need these forms immediately to meet the December 15, 2004 filing deadline. If possible, I would appreciate your faxing me a copy of the signed pages to 508-629-6540 - and also mail the originals to me as soon as possible.

Let me know if you have any questions or concerns.

Sincerely,

Charles G. Call

enclosures:
CGC:pc

EXHIBIT
C